

ENTERED

December 06, 2019

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

UNITED STATES OF AMERICA,

VS.

JUAN MONTALVO, *et al*,

Defendants.

§
§
§
§
§
§

CIVIL ACTION NO. 7:08-CV-177

ORDER

The Court now considers “Defendant Guerra’s Response to October 21, 2019 Order”¹ (hereafter, the “response”) filed by Stephen E. Csajaghy, counsel for Defendant John F.J. Guerra (hereafter, “Defendant Guerra”). Therein, Mr. Csajaghy responds to the Court’s October 21, 2019 order instructing Mr. Csajaghy to show cause on December 17, 2019 for his failure to telephonically appear at the parties’ October 21, 2019 status conference.² The Court also informed Mr. Csajaghy that alternatively, he may pay \$150.00 as sanction for his failure to appear telephonically.³

In the response, Mr. Csajaghy informs the Court that he “has elected to pay the \$150.00,” to be mailed on December 6, 2019.⁴ Yet, Mr. Csajaghy asserts that he was “available for a call from the court to telephonic [*sic*] participate in the scheduled conference” but “no phone calls were received on the firm’s telephone system at the time of the hearing.”⁵

The Court finds this explanation improbable. Mr. Csajaghy requested to appear telephonically for the parties’ October 21, 2019 status conference in order to avoid significant travel expenses to his client.⁶ Although the Court disfavors telephonic appearances, the Court granted this request and informed Mr. Csajaghy that the Court would call him on October 21, 2019 at 8:55 a.m. CDT at the phone number provided in all of his pleadings: (720) 287-6602.⁷

¹ Dkt. No. 110.

² Dkt. No. 105.

³ *Id.*

⁴ Dkt. No. 110 p. 2, ¶ 6.

⁵ *Id.* at p. 1, ¶ 2.

⁶ Dkt. No. 102 p. 2, ¶ 4.

⁷ Dkt. No. 103 p. 2.

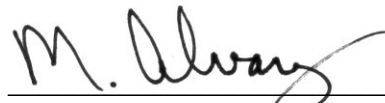
On October 21, 2019, the Court attempted to contact Mr. Csajaghy at this phone number multiple times at 8:55 a.m., prior to conferences beginning. The Court again attempted to reach Mr. Csajaghy multiple times when the parties appeared for the status conference in this case. Each time, the phone rang, and the Court reached Mr. Csajaghy's voicemail, indicating that his number was correct. The Court finds it unlikely that Mr. Csajaghy received no missed calls after the Court attempted to contact him upwards of ten times. If this number is in fact incorrect, the Court advises Mr. Csajaghy to update his contact information or list his firm's main telephone number.

Finally, Mr. Csajaghy indicates that after the conference, he "followed up via email with Assistant United States Attorney Megan Eyes who was present in person and was informed the court attempted to call counsel several times."⁸ Yet, Mr. Csajaghy makes no indication that he attempted to contact the Court himself during the conference after not receiving a call from the Court.

Nonetheless, the Court accepts Mr. Csajaghy's decision to pay the \$150.00 sanction in lieu of appearing for a show cause hearing. Accordingly, the Court **CANCELS** the December 17, 2019 show cause hearing.⁹

IT IS SO ORDERED.

DONE at McAllen, Texas, this 6th day of December, 2019.

A handwritten signature in black ink, appearing to read "M. Alvarez", is written over a horizontal line.

Micaela Alvarez
United States District Judge

⁸ Dkt. No. 110 p. 1, ¶ 4.

⁹ Dkt. No. 105.